

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

237

CRM-M-28988 of 2020
Date of Decision: 26.11.2020

Jagtar Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Rajan Singh Dadwal, Advocate
for the petitioners.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Umesh Kumar Tanwar, Advocate
for respondent No.2.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.68 dated 03.06.2020 under Sections 324 and 34 IPC (Section 326 added later on), registered at Police Station Sidhwan Bet, District Ludhiana (Rural) (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

This Court vide order dated 22.09.2020 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Jagraon and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 30.09.2020 to the effect that the compromise arrived at between the parties is genuine, voluntarily and without any coercion or undue influence, being outcome of their free will and consent.

Respondent No.2-complainant, namely, Shankar Singh, has made a statement with regard to compromise before learned Magistrate on 28.09.2020. The same is reproduced as under:-

“Stated that the present FIR No.68 dated 03.06.2020 under Sections 324, 34 of Indian Penal Code and Section 326 of Indian Penal Code added later on, Police Station Sidhwan Bet, District Ludhiana, has been registered on the basis of statement suffered by me against the accused namely Jagtar Singh and Karnail Singh. I have compromised the present matter with the accused with the intervention of respectables of the locality without any fear or pressure. No accused has been declared proclaimed offender in the present case.”

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303***, this petition is allowed and FIR No.68 dated 03.06.2020 under Sections 324 and 34 IPC (Section 326 added later on), registered at Police Station Sidhwan Bet, District Ludhiana (Rural) (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the

petitioners on the basis of compromise (Annexure P-2), subject to payment of costs of 10,000/- to be deposited by the petitioner, within a period of one month from today with the Bar Association of this Court.

26.11.2020
D.Bansal

(HARI PAL VERMA)
JUDGE

Whether speaking/ reasoned :	Yes/ No
Whether Reportable :	Yes/ No